

10-06-04

PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John Stefanik

Application No.: 09/751,468
Filed: December 29, 2000

Group No. 2636
Examiner: D. Previl
Confirmation No. 7168

For: REMOTE CONTROL DEVICE WITH ILLUMINATION

Mail Stop: Petition
Commissioner for Patents
P.O. Box: 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

"Express Mail" label number ED249800333US

Date of Deposit October 5, 2004

I hereby certify that the following attached paper or fee:

**PETITION TO WITHDRAWAL FROM ISSUE UNDER 37 C.F.R. § 1.313(c)(2)
With copy of REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL
CHECK PAYABLE TO PTO (For Petition fees)**

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: **Mail Stop: Petition, Commissioner for Patents, P.O. Box: 1450, Alexandria, VA 22313-1450.**

Beth H. Retort

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Beth H. Retort

(Signature of person mailing paper or fee)

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NOTE: The label number need not be placed in each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

(Express Mail Certificate [8-3])



PATENT
00337

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stefanik.)
Serial No.: 09/751,468) Examiner: D. Previl
Filing Date: December 29, 2000) Art Unit: 2632

Title: REMOTE CONTROL DEVICE WITH ILLUMINATION

PETITION TO WITHDRAWAL FROM ISSUE
UNDER 37 C.F.R. § 1.313(c)(2)

Pittsburgh, Pennsylvania 15222
October 5, 2003

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions for the withdrawal of the above-identified application (“Subject Application”) from issue under 37 C.F.R. § 1.313(c)(2). The issue fee for the Subject Application was paid on November 19, 2003. Accompanying this petition is the appropriate petition fee set forth in 37 C.F.R. § 1.17(h). The reason for withdrawal from issue is for consideration of an information disclosure statement to be filed by the applicants. The information disclosure statement will contain references not previously considered by the Examiner in the Subject Application.

This petition is being filed concurrently with and made subject to a request for continued examination (“RCE”) under 37 C.F.R. § 1.114 and the above-mentioned information

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disclosure statement (IDS). A copy of the RCE transmittal form and a copy of the IDS are attached hereto as Exhibit A.

The Commissioner is hereby authorized to charge any fees or fee deficiencies for either the petition or the RCE to Charge Account No. 11-1110.

Respectfully submitted,



Mark G. Knedeisen
Reg. No. 42,747

KIRKPATRICK & LOCKHART LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222

Ph. (412) 355-6342
Fax (412) 355-6501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John Stefanik

Application No.: 09/751,468
Filed: December 29, 2000Group No. 2636
Examiner: D. Previl
Confirmation No. 7168

For: REMOTE CONTROL DEVICE WITH ILLUMINATION

Mail Stop: RCE
Commissioner for Patents
P.O. Box: 1450
Alexandria, VA 22313-1450**COPY**

EXPRESS MAIL CERTIFICATE

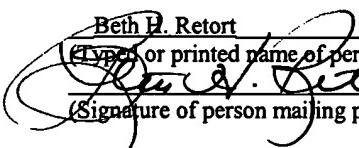
"Express Mail" label number ED249800355USDate of Deposit October 5, 2004

I hereby certify that the following attached paper or fee:

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL
INFORMATION DISCLOSURE STATEMENT; PTO FORM SB/08A
and Copies of References Cited-Attached
CHECK PAYABLE TO PTO (For RCE fees)**

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: **Mail Stop; RCE, Commissioner for Patents, P.O. Box: 1450, Alexandria, VA 22313-1450.**

Beth H. Retort
(Type or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)

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NOTE: The label number need not be placed in each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

(Express Mail Certificate [8-3])

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PTO/SB/30 (09-04)

 Approved for use through 07/31/2006. OMB 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request
for
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/751,468
Filing Date	December 29, 2000
First Named Inventor	Stefanik
Art Unit	2632
Examiner Name	D. Previl
Attorney Docket Number	00337

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- 1. Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 ii. Other _____

- b. Enclosed

- | | |
|---|---|
| i. <input type="checkbox"/> Amendment/Reply | iii. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS) |
| ii. <input type="checkbox"/> Affidavit(s)/ Declaration(s) | iv. <input type="checkbox"/> Other _____ |

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
 b. Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

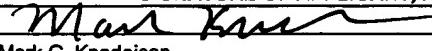
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
 a. Deposit Account No. 11-1110. I have enclosed a duplicate copy of this sheet.

- i. RCE fee required under 37 CFR 1.17(e)
 ii. Extension of time fee (37 CFR 1.138 and 1.17)
 iii. Other _____

- b. Check in the amount of \$ 790.00 enclosed
 c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	October 5, 2004
Name (Print/Type)	Mark G. Kneideisen	Registration No.	42,747

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	
Name (Print/Type)			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PATENT
00337

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stefanik.)
Serial No.: 09/751,468) Examiner: D. Previl
Filing Date: December 29, 2000) Art Unit: 2632

Title: REMOTE CONTROL DEVICE WITH ILLUMINATION

INFORMATION DISCLOSURE STATEMENT FILED IN ASSOCIATION WITH A REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Further to Applicant's Request for Continued Examination (RCE) filed herewith, Applicant, in accordance with the duty of disclosure pursuant to 37 C.F.R. § 1.56, hereby advises the United States Patent and Trademark Office of the references listed on the accompanying Form PTO/SB/08A *Information Disclosure Statement by Applicant*. A copy of each of the cited references is herewith enclosed.

Applicant notes that although the cited references may be relevant to the examination of the above-referenced application, under 37 C.F.R. § 1.97(h), the filing of this *Information Disclosure Statement by Applicant* "shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b)."

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Applicant further notes that the filing of this *Information Disclosure Statement* by Applicant is not an admission that the references cited herein constitute prior art under 35 U.S.C. §§ 102-103 with respect to the captioned application.

Pursuant to 37 C.F.R. § 1.97(b)(4), Applicant respectfully requests consideration of this *Information Disclosure Statement* by Applicant because this *Information Disclosure Statement* by Applicant is being submitted before the mailing of a first Office Action after the filing of a RCE under 37 C.F.R. § 1.114.

Respectfully submitted,

Date: October 5, 2004



Mark G. Knedeisen
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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449A/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	09/751,468
				Filing Date	December 29, 2000
				First Named Inventor	John R. Stefanik
				Art Unit	2636
				Examiner Name	D. Previl
(use as many sheets as necessary)				Attorney Docket Number	
Sheet	1	of	1	00337	

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
		EP 1 039 772 A1	09-27-2000	Noguchi et al.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.